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# Virginia Law Register

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## JUDGE JOHN WILLIAM RIELY.\*

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Judge John William Riely died August 20, 1900, and two days thereafter was buried in the yard of St. John's Church, Houston, Va., of which he had long been a faithful member and an earnest supporter. Judge Riely was born at "Head Spring," near Smithfield, in Jefferson county, Virginia (now West Virginia), February 26, 1839, and spent his early childhood on a farm in that immediate vicinity. His father was George Henry Riely, whose paternal grandfather, John Riely, came to this country from Ireland in the early part of the eighteenth century, and, having acquired lands in Berkeley, now Jefferson, county, became one of the first settlers of the Valley of Virginia. His mother was Frances Grantham, a daughter of Captain Joseph Grantham, a native of Jefferson county.

Judge Riely was but eight years old when his father died, and, his mother having married a second time, he was, to a great extent, thrown upon his own resources at a very early age. He first attended school in Clarke county; and later, at Middleway, in Jefferson county, attended the school of a certain Mr. Smith, who was a severe disciplinarian, but who inculcated in his young pupil that spirit of thoroughness and devotion to duty which ever after characterized his life. It was here that he learned that whatever is worth doing is worth doing well—a lesson he never forgot.

After this, he attended the Winchester Seminary for several sessions, where he won the esteem of his preceptors by his exemplary conduct and faithful devotion to duty. His means being limited, and his spirit of independence forbidding him to ask aid of his relatives, he sought employment as clerk in a store in Winchester, where he remained for two years. Here he displayed such industry in his employment, and such devotion to the interest of his employer, that the

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\* A paper read by Prof. M. P. Burks, of Washington and Lee University, before the Virginia State Bar Association, at its meeting at the White Sulphur Springs, August 6, 7 and 8, 1901.



JUDGE JOHN W. RIELY

latter was unwilling to give him up, and, believing that he was about to ruin a good tradesman by too much education, offered him strong inducements to remain. Young Riely, however, was determined to get an education, and hence severed his connection with his employer, who, finding that he could not retain him, gave him the following quaint testimonial:

WINCHESTER, August 31st, 1857.

*"To the Teachers —— Professors  
of the Brownsburg High School.*

"The bearer Mr. John W. Riely who wishes to enter your Institution I can recommend as a young man having talents a mind and capacities far above the common run of young men of his age. His moral Character is of the highest order Honest Just and Truthful. I think he is destined to make a superior man.

"Mr. Riely has lived with us between one and two years in the Mercantile business is why we know him well.

"Yours respectfully,  
"WM. MILLER."

He entered the school at Brownsburg, in Rockbridge county, and remained there five months, taking the first stand in all of his classes, as he had done in all of the previous schools he had attended. In the fall of 1858, he entered Washington College, now Washington and Lee University. After three years of exacting study, during the latter portion of which he was assistant professor of mathematics, he graduated in the spring of 1861, the first honor man of the session. His success in his academic studies was not due solely to brightness or quickness of intellect, but to an alert mind he added patient, earnest, unremitting effort and great resolution. He had learned at an early day to take a serious view of the duties of life, and was fired by a noble ambition to achieve success by his own manly efforts.

It was the purpose of young Riely, upon completing his academic course, to study law at the University of Virginia. But before his last session at college closed, war broke out between the states, and the college students formed themselves into a military company, known as the "Liberty Hall Volunteers," under Prof. James J. White, as their captain. The company was mustered into service as part of the Fourth Virginia Regiment of Infantry, in the "Stonewall Brigade." It was not long before the true worth and valor of the young man were discovered, and, in October, 1862, he was appointed captain, and assigned to duty on the staff of Major-General G. W. Smith, where he served until the resignation of the latter, in March, 1863. He was then transferred to, and served on, the staff of Lieutenant-General

Longstreet, until after the battle at Gettysburg. He was present at this great battle, and recounted his recollections of what there transpired in a most instructive and interesting manner. Shortly after this battle, he was assigned to duty as one of the Assistants Adjutant General, and discharged the duties of that position until the close of the war, being successively promoted, in the meantime, to the rank of Major and Lieutenant Colonel. He formed part of the escort of President Davis on the evacuation of Richmond, and continued with him as far South as Charlotte, N. C. His commission as Lieutenant Colonel bears date April 24, 1865, but a short while before he was captured. He was never known, however, by this title, but always by that of "Major," by which title he continued to be called by his intimate friends even after he had been elected judge. His position as Assistant Adjutant General was one of great responsibility, involving the supervision of a large number of subordinates, some of them greatly his superior in years; but, young as he was, he seems to have won the confidence of his superiors, and to have discharged the duties of the position to their entire satisfaction. It was here that he made some of the warmest friends of his life, among whom was his life-long friend, Judge William S. Barton.

After the close of the war, he was offered the position of assistant professor of Greek in Washington College, but declined in order to take up the study of law. He taught in the family of Major William S. Barton, afterwards judge of the Tenth Judicial Circuit, and at the same time studied law under him. He was admitted to the bar in 1867, and was taken into partnership by Judge Barton, and practiced with him for a short time. In October, 1867, he married Miss Emma Carrington, the youngest daughter of Henry Carrington, Esq., of "Ingleside," in Charlotte county, Virginia (who was on her father's side the granddaughter of Judge Paul Carrington, and, on her mother's side, of Judge William H. Cabell, both of the Court of Appeals of Virginia). In the fall of 1868, he retired from the partnership with Judge Barton, and removed to the county of Halifax, where he formed a partnership with Judge George H. Gilmer, then residing in the adjoining county of Pittsylvania. This partnership lasted until Judge Gilmer's death in 1874. A few years thereafter he formed a partnership with Mr. William Leigh, of Halifax county, which continued until Judge Riely was elevated to the bench. In 1871 he was appointed attorney for the commonwealth for Halifax county, which position he held continuously, by successive elections of the people,

until December, 1894, when he resigned to take his seat on the bench.

Judge Riely was a lawyer of marked ability, and was a man of sound judgment and good sense. His manner was quiet and dignified, and his bearing modest and unassuming. His demeanor toward his adversaries was always courteous, his respect for the court profound. His practice was conducted upon the same high principles which had distinguished him in every other walk of life. He had no specialty in the law, but, like most other country lawyers, was compelled to take whatever cases were offered him in any department. His position as prosecuting attorney probably rendered him more familiar with the criminal cases and statutes than with any other branch of the law, but he seemed equally at home in any department. His pleadings were always prepared with neatness and great accuracy. It is said that in the last seventeen years of his practice, no demurrer was sustained to any indictment or other pleading framed by him. While thus particular about his own pleadings, however, he did not exact the same accuracy of his adversaries, and never took advantage of their mistakes, except where the interest of his client demanded it. He was a lawyer of great fairness, and never, by word or act, attempted to deceive or mislead a court or jury. When he thought an accused guilty, he prosecuted with great zeal and vigor, but never with a semblance of personal feeling or bias, nor by the use of means that could even remotely be deemed questionable.

A beautiful tribute was once unwittingly paid to his fairness as a prosecutor by a negro who was arraigned upon a criminal charge. The defendant had employed no counsel. The judge inquired of him if he desired to have counsel assigned to him. He promptly replied in the negative, saying that as long as Major Riely was on the other side he knew he would be treated with fairness and justice, and that it would be unnecessary to employ any counsel to defend him.

In the conduct of common-law cases Judge Riely possessed the rare faculty of being able to make a good start. He put himself in touch with the jury, and enlisted their interest in his cause by an opening statement not less remarkable for its force than for its clearness and simplicity. He stated his propositions in logical order, and, when justified by the evidence, the conclusion announced was but the logical sequence of the premises stated. He thought clearly himself, and was able to picture his case to the jury just as it appeared to him.

It is hardly necessary to say that, after so much skill in the state-

ment, not less care and ability was displayed in the introduction of the evidence which was to establish the case stated. The evidence was not thrown in haphazard, but was introduced in the order most likely to produce the greatest effect upon the minds of the jury. His greatest skill was probably displayed in the cross-examination of an adverse witness. He seemed to know what *not* to ask him, and how to formulate the questions he did ask. His quiet, gentle, courteous manner seemed to disarm the witness, and make him feel that he was only engaging in social converse with a friend, and thus the whole truth would be elicited. There was no "browbeating" or "bulldozing," but if mild persuasion should fail to elicit the truth there were few witnesses who could withstand the ordeal of his cross-examinations conducted with the utmost dignity and decorum, and with surpassing skill and judgment.

In arguing common-law cases his style was simple and his gestures few. Occasionally, however, when warmed up, or somewhat excited, he had a way of striking the palm of his left hand with the fingers of the right, making a somewhat resounding noise; and it was commonly understood that when he made that gesture he was very much in earnest. A single instance will illustrate how this was regarded. A negro was on trial, and the case excited much interest among his race. Toward the close of Major Riely's argument several negroes came hurriedly out of the courthouse, exclaiming "Goodbye, nigger, you're sure gone. Mars Major Riely has done commence clappin' his hands!"

He was a clear, strong, forcible speaker, whether before court or jury. In arguing cases before juries he frequently repeated the same point with varying illustrations. In speaking of this he said: "You must remember that there are twelve men on the jury, and you must so present your case that all will comprehend it and see it as clearly as you do if you expect to win a verdict." In the struggle before the jury he had the *gaudium certaminis*, and liked to win his cases, but never by undue advantage or improper conduct of any kind. He was always fair, always honorable. His illustrations were few, but apt. They were sometimes simple, even homely, but they were adapted to those to whom they were addressed and used with powerful effect. He eschewed sarcasm and ridicule, but, at times, was terrific in his denunciation of crime and wrong. The simplicity of his style, his unassumed honesty in his convictions, and his earnestness in delivery, made him a tower of strength before either a court or jury.

His chancery cases were prepared with the utmost care. Not only

were his pleadings drawn with fullness and accuracy, but he learned at an early day that the case was lost or won before it ever came to a hearing. He realized that the judge would pay vastly more attention to the weight of the evidence than to the ability of the arguments with which the cause was presented. He never left it to the junior counsel in the cause, nor to some young lawyer, to take the evidence, but would attend, day after day, in the laborious work of taking depositions. He regarded a retainer as an engagement on his part to conduct the case of his client to the best of *his* skill and judgment. He never gave to a client less than his best efforts. Stenographers were seldom used in his practice, but depositions were taken in the old-fashioned, laborious way. He never seemed to weary as long as he had a fact to establish on his own side, or a point to contest with his adversary, and whether the case were before a justice of the peace, a commissioner in chancery, a trial court, or an appellate court, the client always felt sure that he would have the best efforts of his counsel. The result was unbounded confidence on the part of the people and a very large and lucrative practice. Beginning in a county in which he was a stranger, he so won the confidence and esteem of the people that when he was called to higher duties he was engaged on one side or the other of every important case in the county.

The most important service, however, which he rendered to his clients was the advice he gave them and the papers he prepared for them by which he kept them out of litigation—a service the value of which the client seldom appreciates and of which the public knows but little. He was especially and particularly valuable to the whole people of his county in the service and aid which he gave to the Board of Supervisors, as the financial agents of the county.

It has been sometimes said that Judge Riely was a diffident and retiring man. This is true in the sense that he was modest as to his own attainments and never sought prominence, but it would be a great mistake to suppose that he did not possess the faculty of making new acquaintances, or of forming warm personal attachments. He was a man of the people, and mingled with the masses with a genial and cordial friendship. He was always approachable by the humblest citizen of the State, and took a peculiar delight in talking to the farmers of his county about their affairs, their families and their prospects. No man in Halifax county was better known or more beloved than Judge Riely. He had a wide circle of acquaintances throughout the State, and these all held him in like esteem. He was genial in

his disposition and interesting in his conversation. His deference to the opinions of others, and especially young men, his uniform courtesy and gracious manner, rendered him very attractive to his fellow-men. He was a charming companion, and drew men to him by his courteous deportment and manly bearing. Few men, within the limits of his acquaintance, made warmer friends or more of them. He had no enemies.

In the fall of 1882 he received the nomination of his party for a seat on the bench of the Supreme Court of Appeals of Virginia, and only failed of election because another political party was then in power.

After having distinguished himself at the bar, he was elected by the legislature, in March, 1884, as an associate of Judge Burks and of Judge Staples to revise the laws of the state. After three years and a half of the most earnest and careful labor they produced the code of 1887, of whose merits it would be more appropriate for some other to speak. In the preliminary division of labor among the revisers it fell to the lot of Judge Riely to look up all the statutes of a general nature which had been passed since 1849, the date of the last previous general revision. It is needless to say that this duty was discharged by him with fidelity and accuracy, and when the revisers met to begin work he had well in hand the portion of work which had been assigned to him. Having once begun the work, the revisers continued to work together until the code was completed. Most of the changes in the criminal law were draughted by Judge Riely, and, in addition, he was a constant and able coadjutor in all the residue of the work on the code. His opinions were always esteemed by his associates as of the highest value, and commanded their greatest respect. He seemed to have almost unlimited capacity for labor, and gave to the state, without reserve, the best efforts of which he was capable. After the revision had been completed and the code adopted by the legislature, Judge Riely wrote the headlines, which appear in bold-face type at the beginning of each section. These, of course, having been put into the code after its adoption, are no parts of the code, but were intended as brief indices of what the sections contained. They are marvelous for their brevity and clearness, and the legislature might well accept them as parts of the code itself. They are fair illustrations of the clearness of his perception and the accuracy of his expression.

Judge Riely was never a candidate for any political office, though he took a lively interest in everything pertaining to the welfare of the

state, and, in some of the more important campaigns, rendered valuable service on the hustings to his party. He took but little, if any, part in politics outside his own county, and laid no claim to party machinery to advance his interests, but his work as one of the revisers of the code had greatly extended his reputation and influence as a lawyer, and, in December, 1894, at the earnest solicitation of his friends, he permitted his name to go before the legislature, and was elected one of the judges of the Supreme Court of Appeals of Virginia for a term of twelve years, commencing January 1, 1895. His courteous and dignified manner, his high personal character, his uniform patience, and his extensive and accurate knowledge of the law, well fitted him for this high position.

The character of his opinions will be determined largely by the test applied by the individual critic. As viewed by the writer the quality of judicial opinions cannot be measured by their length. The number and difficulty of the questions involved, and the volume of the evidence to be examined and discussed will, in large measure, determine the length of the opinion. These are not within the discretion of the judge. No hard and fast rule can be laid down on the subject. An opinion should be lucid in style, concise in statement, logical in arrangement, convincing in argument, and supported by adequate authority. Counsel should never feel that they know more about the facts or the law of the case than the judge who decides it. An opinion which convinces the reader of its correctness is long enough, but less than this is too short. Conviction is the end to be attained. Measured by this standard, all of Judge Riely's opinions are good. His opinions are "bookish," and disclose the fact that he knew how to use a library and had the industry to do it. They are fortified by ample authority, and he has not hesitated to discuss, and to distinguish or dissent from, the "cases on the other side." It was his habit to cite every Virginia case pertinent to the point at issue. His style was remarkably clear, and his argument of doubtful points always forcible. He brought to the bench the same untiring energy and faithfulness that had ever characterized him, and no record was too long for him to search diligently until he had completely mastered the facts, and no brief too poor for him to study carefully for light upon the law. His modest opinion of his own ability made him over-anxious lest some point should escape him or be incorrectly decided.

It is a difficult task to select his "best opinions," and the choice must be determined rather by the character of his discussions than by

his conclusions in particular cases. The following, however, may be considered among the best:

*Iverson Brown's Case*, 91 Va. 762, involved the constitutionality of an Act of Assembly amending the code in relation to oysters. The opinion is a very clear and able discussion of the sufficiency of the title of an Act, and of the particularity required by the constitution. Commenting upon this opinion, in 1 Va. Law Register, 118, Judge Burks said:

"This is among the most important cases ever decided by our Court of Appeals on the construction of the constitution of Virginia. The decision was not hasty—without the consideration its importance demanded. The opinion of the court, delivered by Judge Riely, shows that all the questions involved were most deliberately, carefully—indeed, anxiously—and fully examined and considered. The propositions laid down are ably discussed, and most abundantly supported by reason and authority; and we venture the prediction that the case will be a leading and controlling one in the construction of the constitutional provisions passed upon."

*Johnson v. C. & O. Ry. Co.*, 91 Va. 171, deals chiefly with the familiar subjects of "Demurrer to Evidence" and "Contributory Negligence," and yet the law is so clearly and succinctly stated that the opinion is entitled to be ranked among the best to be found on these subjects. I once stated to Judge Riely that I regarded this as one of his best opinions, and I understood him to concur in my estimate.

*Shipman v. Fletcher*, 91 Va. 473, settled a much vexed question and is now the standard authority on the subject of the weight to be given to the report of a commissioner in chancery. The record and briefs in this case cover something like 2,800 pages—about as much as three volumes of Virginia Reports—and yet the whole appears to have been examined and carefully considered. The opinion is a very clear exposition of the reasons upon which the doctrine is based, and is supported by a large number of cases.

No opinion ever delivered by Judge Riely, perhaps, caused him greater anxiety and concern than that delivered by him in *Price v. Planter's National Bank*, 92 Va. 468, in which it was held for the first time in Virginia that the *corpus* of real estate settled to the separate use of a married woman could be subjected to the payment of her general engagements. The opinion is a masterly discussion of the subject, and while we may not fully agree with the conclusions reached, it is easier to dissent than it is to give an entirely satisfactory reason for it. The profession, generally, seems to have accorded a ready assent to it, and so fully was the legislature (then in session) impressed

with its correctness, that it enacted a statute in accordance with the views expressed in that opinion.

The opinion in *Buntin v. Danville*, 93 Va. 200, is probably the most satisfactory exposition we have in this state of the subject of dedication to a public use. *Winchester v. Redmond*, 93 Va. 711, is a fine statement of the law on the subject of the limited powers of municipal corporations to contract debts.

The case of *Norfolk & W. R. Co. v. Ampey*, 93 Va. 108, presents some nice points as to the liability of the master for an injury inflicted by the use of defective machinery, and the care required of the servant after knowledge of the defects. The case is discussed on principle and authority, and the carefully prepared opinion of the court measures up fully to the standard of judicial excellence.

The case of *Miller v. Wills*, 95 Va. 337, involved, among other things, the boundary line between the states of Tennessee and Virginia, the right to enjoin a trespass, and the doctrine of *res judicata*. The record was voluminous, and it was difficult to determine the exact facts. The questions of law also were not easy to settle. But the opinion is one of the clearest and most satisfactory to be found in our reports.

The opinion in *Guarantee Co. v. National Bank*, 95 Va. 480, is "brim full" of common-law pleading and practice, and delights the heart of a lawyer who knows enough about pleading not to be forced to proceed by "motion," or the "modern action of *assumpsit*." It was an old-fashioned fight between lawyers who were not afraid to plead, and the defects of whose pleadings sprung from hasty writing at the bar, and not from ignorance. The judge was "at home" in preparing the opinion, and displayed a familiarity with common-law pleading worthy of a former era. The case bristled with points, all of which were discussed and decided in a manner eminently satisfactory. I am sure that even the losing counsel must have been convinced of the correctness of the result, both upon reason and authority. The opinion is not long, though the points were numerous, but I doubt if any opinion that Judge Riely ever wrote can be said to be better than this one.

The case of *Wilson v. Hundley*, 96 Va. 96, presented for the first time in Virginia the right of a defrauded stockholder in a joint stock company to retain his stock, after discovery of the fraud, and sue for damages. The right was denied in an opinion based upon such clear reasoning that few, if any, will doubt its correctness. The point de-

cided was not only novel in Virginia, but, it would seem, novel in the American courts. It is sound in principle, and supported by the English cases cited. The opinion is very clear and forcible. The case will probably become a leading one on that subject.

The opinion in *Hoge v. Turner*, 96 Va. 624, goes to the root of the matter as to the right of husband and wife to testify for or against each other, in relation to alleged fraudulent transfers of property from one to the other. It holds that the form of the action is immaterial, so long as the transaction itself is brought in question.

The case of *Tennant v. Dunlop*, 97 Va. 235, involved a large sum of money, and was argued with great ability by some of the most distinguished lawyers in the State. Its consideration gave the court great anxiety. The arguments of counsel were voluminous, and the citation of authorities, *pro* and *con*, very full. The question to be decided was difficult, and the authorities apparently, if not really, conflicting. As was to have been expected, the opinion was an able one, and will be generally regarded as among the best that Judge Riely ever delivered.

The opinion in *Jones v. Jones*, 96 Va. 749, is the only case we have in Virginia which undertakes to lay down any criterion for determining whether a separate estate of a married woman is equitable or statutory. The rule seems to be clearly stated, and, if followed, will solve many of the problems which have perplexed the profession.

The opinion in *Rowe v. Hardy*, 97 Va. 674, deals largely with questions relating to the writ of *fieri facias*. It discloses perfect familiarity with a somewhat difficult question, and the very full citation of authorities is due not less to the ability and learning of the counsel in the case than to the judge's industry and intimate acquaintance with the statutes and decisions on the subject.

This review of cases would be incomplete if I failed to mention the opinion in *Milhiser v. McKinley*, 98 Va. 205. It is a very clear statement of the law as to rights of social creditors, where a retiring partner of an insolvent firm has sold out his interest to his co-partners, themselves insolvent, upon consideration of their undertaking to pay the social debts. This was the first case in Virginia involving this precise point, and the opinion is so fully sustained by the authorities cited that it is not likely to be questioned in the future.

Judge Riely was on the bench five years and a half, and during that period delivered about two hundred opinions. Those mentioned above are only illustrative of the character of his work, and the variety of

the subjects with which he had to deal. His knowledge of the statute law of the state was second to that of no other lawyer in the state. He seldom used the index to the code, but turned at once to the section desired without difficulty. His familiarity with Virginia cases was hardly less noticeable. He was also well grounded in the principles of the law, and was diligent in his investigation of the authorities. His desire to uphold the law and to do exact justice in every case, caused him much anxiety, and he frequently "slept with his cases," even after the opinions had been delivered. His conferences with his brethren of the bench were full and free, and he gave them, without stint, the very best that he had in the way of suggestion, without a trace of ostentation; or, if he offered objection, it was always with kindly courtesy. Indeed, he was far more anxious that the court should be right than that he should be esteemed a great judge. He loved the judges and each one of them, and, aside from their legal discussions, which he always enjoyed, their social relations were of the most pleasing nature. He once said: "I have never heard an impure word or a doubtful joke from any one of them since I have been on the bench." It is needless to say that his brethren on the bench appreciated his counsel, and enjoyed his society.

His ability as a judge was of a high order, and fully sustained the reputation he had won at the bar. He was a wise, upright, incorruptible judge. He wrote with clearness and force, but without display, and his opinions were always fortified by the amplest citation of authority. Professor Lile wrote of him in 6 Va. Law Reg. 355, as follows:

"During his brief career of less than six years on the bench, he earned the admiration and respect of the bar for his patience to hear and his intelligent appreciation of argument; for his industry in the investigation of truth; and for the fullness, accuracy and clearness of his opinions. Judge Riely prepared his opinions with scrupulous care. In them one finds no disposition to evade hard questions, or to ignore arguments difficult to answer. On their face, they indicate the author's close companionship with books, and a keen pursuit of the authorities. In proportion to the time he occupied judicial station, no Virginia judge has, in our opinion, made more valuable contributions to, or a more lasting impression upon, the jurisprudence of this State, than he to whom we pay this brief and imperfect tribute."

Judge Riely was for many years a member of the Protestant Episcopal Church, and a warden of St. John's Church, Houston, Va. A man of extreme modesty in every relation of life, in the church he was the embodiment of humility. He really felt his own unworthiness

to fight under the banner under which he had enlisted, and yet he was "not ashamed of the gospel of Christ," and, both by precept and example, set forth the true and living faith that was in him. He was regular in his attendance upon the services of his church, firm in his faith, unfaltering in his devotion, and liberal in his support. He was conservative in his views, and wise in his counsel. His sweet, gentle disposition, sanctified by a living faith, made his life and character a benediction to all about him, and a pillar of strength in his parish.

Upon his domestic life, the public has no right to gaze; but, without invading those hallowed precincts, we know that the spirit that was so sweet and gentle in public was not austere at the fireside, and that the "indescribable something" which so attracted his fellowmen, made home the sweetest place on earth to his family.

Sincere in his friendship, wise in his counsel, just in his judgment and humble in his faith, he died, honored and respected by all who knew him.

M. P. BURKS.

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#### FOREIGN CORPORATIONS DOING BUSINESS IN VIRGINIA.

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#### VIRGINIA CODE, SECTIONS 1104-1105.

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Section 1104 of the Virginia Code provides that every company incorporated under the laws of another State shall, before commencing business in this State, establish an office in the State, appoint a resident agent, on whom process against the company may be served, and record its charter and the power of attorney to its agent in the county where the office is located.

Section 1105 reads as follows:

"The officers, agents and employees of any such company doing business in this State, without complying with the provisions of the preceding section, shall be personally liable to any resident of the State having a claim against such company, and, moreover, service of process upon either of said officers, agents, or employees, shall be deemed a sufficient service on the company."

The purpose of these statutes is to furnish easily accessible evidence of the existence of foreign corporations, and to protect residents of this State in dealing with them. If the foreign corporation complies with these statutes, well and good, but if it fails to comply, and the occa-